

Appl. No. : 10/581,371
Filed : April 19, 2007

REMARKS

Claims 1-32 are pending in the present application. Claims 18-32 are currently under examination. Claim 30 has been amended as indicated above. No new matter is added by the present amendment. Applicants respectfully submit that the remarks below place the pending claims in condition for allowance.

Formal Matters

Objection to Claim 30

Claim 30 is objected to for misspelling the word "fluorescence." As indicated above, Applicants have corrected this typographical error.

Objection to Claims 18 and 28

Claims 18 and 28 are objected to for reciting "dynamical" in place of the word "dynamic." Applicants respectfully submit that "dynamical phase transitions" is an appropriate term of art. Applicants therefore respectfully request withdrawal of the objection to Claims 18 and 28.

Rejections under 35 U.S.C. § 102(b)

Claims 18, 25-28, 30 and 32

Claims 18, 25-28, 30 and 32 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tang *et al.* (*Chem Lett* 2004; 33(12): 1602-1603). Applicants submit that the Tang *et al.* was published in 2004, almost one year *subsequent* to the priority date for the present application. Accordingly, the Tang *et al.* reference was not described in printed publication more than one year prior to the priority date for the present application. Applicants therefore respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b).

Rejections under 35 U.S.C. § 103(a)

Claims 22-24, 29 and 31

Claims 22-24 and 31 have been rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by Tang *et al.* in view of Schaertl *et al.* (*J Biomed Screen* 2000; 5(4):227-237). In addition, Claim 29 has been rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by

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Tang *et al.* in view of Faulds *et al.* (*Analyst* 2002; 127:282-286). However, as discussed above, Tang *et al.* was published in 2004, almost one year *subsequent* to the priority date for the present application. Accordingly, the Tang *et al.* reference in view of Schertz *et al.* or Faulds *et al.* does not demonstrate what was known in the art at the time the application was originally filed. Applicants therefore respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action have been addressed and that the application is in condition for allowance. Accordingly, Applicants request the expeditious allowance of the pending claims.


The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to call the undersigned attorney to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

Michael L. Fuller
Registration No. 36,516
Attorney of Record
Customer No. 20995
(619) 235-8550